

Application denied. On April 4, 2023, the Court granted an application by Ms. London and Mr. Madiou to be removed as counsel of record for Mr. Philippeaux. Plaintiff's other arguments have already been rejected by this Court. *See* 18-CV-5974, Dkt. No. 69.

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

PHILANDER PHILIPPEAUX

Movant,

v.

CASE NO. 1:13-CR-00277-RA-2

UNITED STATES OF AMERICA

Respondent.

The Court again reminds Mr. Philippeaux that persistent filing of frivolous or meritless documents may result in a filing sanction.

The Clerk of Court is respectfully requested to terminate Dkt. Nos. 178 and 181.

SO ORDERED.



Hon. Ronnie Abrams  
December 12, 2023

EMERGENCY MOTION TO ALTER OR AMEND ERRONEOUS ORDER [DOC. 177]

PURSUANT TO FED.R.CIV.P. 59(e) WITH ATTACHED NOTICE OF INTENT TO FILE CIVIL RIGHT VIOLATION SUIT

Rule 59(e) allows a judge to re-visit a prior decision to correct errors of law and fact upon which the Order or Judgment is based to prevent manifest injustice. Thus, in this case the MEMO ENDORSEMENT and ORDER. (Doc No. 177)

TIME TO ISSUE EMERGENCY RULING

Movant respectfully request the Court issue a Ruling within forty-eight (48) hours of filing, pursuant to Local Rule.

Judge Ronnie Abrams issued a MEMO ENDORSEMENT denying Movant's Motion To withdraw counsel of record, as to not have to face the fact that Movant's Pro Se motion, and the exhibit attached therein proving that no True Bill Indictment was ever issued against movant Philippeaux in this case, is undeniable. Hence, not to withdraw the counsel who helped the Court illegally convict Movant, in turn judge Abrams would not have to address the fact that no Indictment existed in this case (See exhibit GTU attached to Dkt. No. 169, the same exhibit is also attached hereto as exhibit GTU). Movant's request to withdraw counsel cannot be denied (notably it was a Motion, and not a Petition) without violating Movant's civil right. Counsel must be withdrawn even if the case is closed. Judge Ronnie Abrams also used this frivolous and illegal Memo to by-pass addressing Dkt. No. 169, which was filed, unambiguously articulated, and Govern by Fed.R.Civ.P. 60(d)(3), the Rules of procedures for FRAUD UPON THE COURT, and SUBJECT MATTER JURISDICTION. Rule 60(d)(3) has no statute of limitation, making judge Abram's statement about the case being closed is "frivolous." Hence, this Memo endorsement is illegal on its face, and is a civil right violation. Dkt. No. 169 wasn't address by this Court, thus the order it sought to correct remained erroneous, and so is this new order [177].

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To the extent judge Ronnie Abrams issued MEMO ENDORSEMENT to Movant's Motion To Withdraw Counsel [176], articulated "Application denied." (Dkt. No. 177).

Movant Philippeaux contends that judge Abrams cannot stop movant from removing his own counsel from the case for the sole purpose of keeping Movant imprisoned, that is a civil right violation and a conspiracy to cover up Fraud. Movant Philippeaux did not petition the Court to remove counsel but moved the Court to do so. Movant request counsel of record be removed immediately, as is Movant's right to self-representation. See Supreme Court's authority "Farretta v. California, 422 U.S. 806, 95 S. Ct. 2525. 45 L. Ed.562 (1975). Regardless of if the case is closed Rule 60(d)(3) has "no statute of limitation."

To the extent judge Ronnie Abrams ordered "the Clerk ... requested to terminate 169, 173, 174, 175, and 176. SO ORDERED." (Dkt. [177]).

Movant Philippeaux contends that the order is erroneous on its face because Fed.R.Civ.P. 59(e) requires the Court to correct errors of law or fact. Here, judge Abrams never addressed if the True Bill Indictment was ever issued in this case. Judge Abrams never articulated if the True Bill Indictment is real or not, nor did judge Abrams addressed the Grand Jury Transcript filed in this case pursuant to Fed.R.Civ.P. 10(c) at Dkt. No. [169], making this order Dkt. [177] yet another erroneous Order. Thus, by ignoring the motion at issue, again, and issuing orders based on misinformation, judge Abrams has violated Movant's civil right. See Supreme Court case "Townsend v. Burke".

#### NOTICE OF INTENT TO FILE CIVIL RIGHT VIOLATION SUIT

Approximately two (2) years ago, judge Abrams was put on notice of Movant's intent to file a civil right lawsuit. Here, again, Movant Philippeaux is putting this Court on notice of his intention to file a civil right violation lawsuit.

#### CONCLUSION

Plaintiff Philippeaux, respectfully request judge Abram's address Dkt. [169] pursuant to Fed.R.Civ.P. 59(e) and its attached exhibit GTU, and address exhibit GTU which is also attached hereto and issue a judgment on the fact that no True Bill Indictment was ever issued by the Grand Jury against Movant Philippeaux, in this case.

Respectfully submitted,



PHILANDER PHILIPPEAUX

10/18/22

DATE

Pg 3 of 7

CERTIFICATE OF SERVICE

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I, Philander Philippeaux, swear under penalty of perjury that this Motion was delivered in a pre-addressed, postage-paid envelop to the prison authorities on the same day as signed. The Petitioner request that a copy of the Motion be forwarded to all interested parties (and specifically the Respondent(s)) via the CM/ECF (or email) docketing system. A true and accurate copy of the Motion has also been sent via first class U.S. Mail to the following recipient.

OFFICE OF THE CLERK

S.D.N.Y.

500 PEARL STREET

NEW YORK, NY 10007-1312

Fedex # 2793 4338 9780



PHILANDER PHILIPPEAUX

10/18/22  
DATE

EXHIBIT  
GTU

Copy

1847

\* → UNITED STATES GRAND JURY  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA,

-v- April '13 Regular

JHON FREDDY POTES JORIS,

Defendant.

-----X  
UNITED STATES OF AMERICA,

-v-

PHILANDER PHILIPPEAUX,  
A/k/a "Philippe,"

Defendant.

-----X  
UNITED STATES OF AMERICA,

-v-

JHON FREDY POTES JORIS, and  
PHILANDER PHILIPPEAUX,  
A/k/a "Philippe,"

Defendants.

United States Courthouse  
40 Foley Square  
New York, New York

Monday, April 15, 2013  
4:15 p.m.

APPEARANCES

RAHUL MUKIN,  
Assistant United States Attorney

JEFFREY SHAPIRO,  
Acting Grand Jury Reporter



ESQUIRE



Tankoos Reporting

Telephone: 212.687.8010  
Facsimile: 212.557.5972

1384 Broadway  
19th Floor  
New York, NY 10018

S. Wulff - 4/15/13

THE WITNESS: One block, yes, sir. And then here's the pictures -- there's 14 here all stacked up and wrapped in plastic.

(Indicating.)

BY MR. MUKIN:

Q. And were those packages of cocaine tested back in Colombia?

A. Yes, we tested them. And we weighed the packages on the scale and it comes out to about 15.3 kilos.

Q. And did it test positive for cocaine?

A. Yes, sir.

Q. And where are the narcotics right now?

A. They're currently in the possession of the Colombian National Police in Bogota.

Q. And what are you planning to do with those narcotics?

A. Tomorrow morning, myself and another agent will fly to Bogota to retrieve them. And when we get back, we're going to do a controlled delivery to the intended recipients, Junior, last name unknown, and Philander Philippeaux.

Q. Agent Wulff, have you told the Grand Jury everything you know about this case or merely answered my questions?

A. I merely answered your questions.

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1 S. Wulff - 4/15/13

2 Q. And when you testified about conversations you had  
3 with others and documents you reviewed, did you testify to  
4 the exact words or just the sum and substance?

5 A. Sum and substance.

6 Q. And are you willing to return to the Grand Jury if  
7 the Grand Jurors have any questions for you?

8 A. Yes, sir.

9 MR. MUKIN: With the Foreperson's permission, I ask  
10 that Agent Wulff be excused.

11 GRAND JURY FOREPERSON: You may be excused.

12 (The witness was excused from the Grand Jury  
13 chamber.)

14 (True Bill.)

15 (Matter concluded.)

16 (Time noted: 4:57 p.m.)  
17  
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pg 7 of 7

C E R T I F I C A T I O N

I, Jeffrey Shapiro, hereby certify  
that the foregoing is a true and accurate transcript, to the  
best of my skill and ability, from my stenographic notes of  
this proceeding.

Jeffrey Shapiro  
JEFFREY SHAPIRO

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

18187

PHILANDER PHILIPPEAUX

Plaintiff,

v.

CASE NO. \_\_\_\_\_

JUDGE RONNIE ABRAMS, MAGISTRATE SARAH NEPTBURN,

ATTORNEY GENERAL MERRICK GARLAND

DEFENDANTS.

EMERGENCY ACTION FOR DECLARATORY AND SPEEDY INJUNCTIVE RELIEF AND EQUITABLE  
RELIEF TO REDRESS THE DEPRIVATION OF RIGHTS SECURED BY THE FIRST, FIFTH,  
AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION AND TO PREVENT  
FURTHER DEPRIVATION IN THE FUTURE.

JURISDICTION AND VENUE

This action is brought pursuant to 42 U.S.C. 1983, 1988 and the First and Fourteenth Amendments to the United States. Because of the nature of this case, this court has subject matter jurisdiction on this action under 28 U.S.C. 1331, 1343.

Venue is proper in this district because the parties in this district and the events and occurrences giving rise to the claim occurred within this judicial district.

JURY DEMAND

Plaintiff demands trial by jury pursuant to Fed.R.Civ.P. 38(b) on all issues triable by jury.

JUDGE'S IMMUNITY

The United States Supreme Court authority states: There is clearly establish violation of Constitutional rights, as opposed to qualified immunity. "Ashcroft v. Iqbal, at 672, 129 S. Ct. 1937, 173 L. Ed.2d 868." (Quoting "Harlow v. Fitzgerald, 457, U.S. 800, 102 S. Ct. 2727, 73 L. Ed.2d 396 (1982)").



Page 7

PARTIES

1- Plaintiff Philander Philippeaux, an illegally incarcerated citizen residing at FCC Coleman Low (Florida). Plaintiff brings this action against defendants who conspired together to keep movant illegally incarcerated in order to protect fellow U.S. Prosecutors who file a fraudulent Indictment against Plaintiff, by issuing fraudulent judgments based on misinformation. Thus, keeping movant in prison to protect fellow civil servants' job and records. The Supreme Court held that it is a Due Process violation for Courts to issue judgments based on misinformation. "Townsend v. Burk, 334 U.S. 736, 68 S. Ct. 1252, 92, L. Ed. 1690 (1948).

2- Defendants are and was Judges, and U.S. District Attorney, at all times residing in New York and Washington D.C., organized and existing pursuant to the laws of the United States. In doing the things alleged in this Complaint, the Defendants acted under color of law.

- COUNT 1 -

3- Defendant judge Ronnie Abrams, refused to allow Plaintiff to withdraw the former counsels of record in an attempt to impede on Plaintiff's civil right and the right to self-representation, in violation of United States Supreme Court authority "Farretta v. California, 422 U.S. 806, 95 S. Ct. 2552, 45 L. Ed. 2d 562 (1975). Judge Abrams' action is to prevent the Court from entertaining Plaintiff's Motions properly and respectfully. In this case judge Abrams would never have to address the fact that Plaintiff was never legally indicted by a Grand Jury as provided for by the U.S. Constitution. See the related case "U.S. v. Joris et al, case No. 1:13-cr-00277-RA-2, Dkt. No. 169, exhibit GTU." "Exhibit GTU" is also attached hereto pursuant to Fed.R.Civ.P. 10(c), "that all exhibit attached to a pleading is part of the pleading for all purposes," exhibit GTU is the Grand Jury Colloquy precedes (the hearing transcript) prima facie proof that no True Bill Indictment was ever issued. Judge Abrams is violating Plaintiff's civil right to Due Process.

- COUNT 2 -

4- Defendants conspired with each other to issue Orders, Judgments, Memorandum, Report & Recommendations, all based on misinformation to keep Plaintiff from exercising his civil right to Due Process, rights that are protected by the United States Constitution. For example, the U.S. Constitution provides that a citizen of the United States, or in the United States, must be criminally indicted by a Grand Jury in order to be prosecuted for a crime against the United States. Plaintiff was never Indicted by a Grand Jury, and Plaintiff provided proof that the Indictment used to prosecute Plaintiff was a fraudulent fabrication of the malicious prosecutors. Plaintiff provided the Grand Jury Colloquy precedes (the Grand Jury's transcript) as "exhibit GTU" to Judge Abrams on the Federal Docket (see the related case Dkt. 169) (the exhibit is also attached hereto as "GTU) pursuant to Fed.R.Civ.P. 10(c). Judge Abrams continues to ignore the Grand Jury's colloquy in order to cover up the fraud, while violating Plaintiff's civil right in the process.

5- The acts of the Defendants were summary without a hearing at any stage, thus depriving Plaintiff of due process in violation of the fourteenth Amendment to the United States Constitution and 42 U.S.C. 1983.

6- As a direct and proximate result of the actions of the Defendants, Plaintiff has suffered damages, including but not limited to:

pg 387

- a) Plaintiff is made to remain in incarcerated illegally.
- b) Plaintiff has suffered and continue to suffer pain, suffering, intentional emotional distress, and great, immediate irreparable harm.

7- Pursuant to 42 U.S.C. 1988, Plaintiff is entitled to reasonable cost, and fees of litigation as a prevailing party.

8- Defendants' intentional and willful refusal to allow Plaintiff to withdraw his attorney, and for judge Ronnie Abrams, magistrate Sarah Netburn, and the U.S. Attorney General Merrick Garland, to refuse to address the fact that Plaintiff was never indicted, or to not want to acknowledge the Federal Docket where "exhibit GTU" prima facie proof that no such indictment exist, the defendants will continue to greatly damage Plaintiff and will greatly damage Plaintiff in the future if permitted to continue.

9- Unless and until Defendants are restrained, prevented, and enjoined from continuing refusal to allow Plaintiff to exercise his Civil Right (protected by the U.S. Constitution), Plaintiff will continue to be greatly, immediately, and irreparably harmed by Defendants' intentional and willful wrongdoing.

10- Plaintiff has no adequate remedy at law for Defendants' refusal to allow the Plaintiff to benefit from his Due Process rights which are rights protected by the United States Constitution.

PRAYER

Plaintiff request judgment against Defendants:

A. For an Order for Declaratory and Preliminary and Permanent Injunctive relief to enjoin Defendants from denying Plaintiff the right to withdraw his former Counsel from his case, and Plaintiff right to Due Process.

B. For an Order that Defendants address the related case (U.S. v. Joris et al, No. 1:13-cr-00277-RA-2 (Dkt. 169)) respectively pursuant to Fed.R.Civ.P. 59(e), thus correct the order and to grant or deny it on its merit. To state for the record "was there a True Bill Indictment issued by a Grand Jury against movant Philippeaux or not?"

C. For cost of Suit, pursuant to 42 U.S.C. 1988.

Fedex # 2793 4338 9780

Respectfully submitted,



PHILANDER PHILIPPEAUX

10/18/22

DATE

UNITED STATES GRAND JURY  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v- April '13 Regular

JHON FREDDY POTES JORIS,

Defendant.

UNITED STATES OF AMERICA,

-v-

PHILANDER PHILIPPEAUX,  
A/k/a "Philippe,"

Defendant.

UNITED STATES OF AMERICA,

-v-

JHON FREDY POTES JORIS, and  
PHILANDER PHILIPPEAUX,  
A/k/a "Philippe,"

Defendants.

United States Courthouse  
40 Foley Square  
New York, New York

Monday, April 15, 2013  
4:15 p.m.

APPEARANCES

RAHUL MUKIN,  
Assistant United States Attorney

JEFFREY SHAPIRO,  
Acting Grand Jury Reporter



Telephone: 212.687.8010  
Facsimile: 212.557.5972

1384 Broadway  
19th Floor  
New York, NY 10018

pg 507

S. Wulff - 4/15/13

THE WITNESS: One block, yes, sir. And then here's the pictures -- there's 14 here all stacked up and wrapped in plastic.

(Indicating.)

BY MR. MUKIN:

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A. Yes, we tested them. And we weighed the packages on the scale and it comes out to about 15.3 kilos.

Q. And did it test positive for cocaine?

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A. They're currently in the possession of the Colombian National Police in Bogota.

Q. And what are you planning to do with those narcotics?

A. Tomorrow morning, myself and another agent will fly to Bogota to retrieve them. And when we get back, we're going to do a controlled delivery to the intended recipients, Junior, last name unknown, and Philander Philippeaux.

Q. Agent Wulff, have you told the Grand Jury everything you know about this case or merely answered my questions?

A. I merely answered your questions.

Pg 6 of 7

S. Wulff - 4/15/13

Q. And when you testified about conversations you had with others and documents you reviewed, did you testify to the exact words or just the sum and substance?

A. Sum and substance.

Q. And are you willing to return to the Grand Jury if the Grand Jurors have any questions for you?

A. Yes, sir.

MR. MUKIN: With the Foreperson's permission, I ask that Agent Wulff be excused.

GRAND JURY FOREPERSON: You may be excused.

(The witness was excused from the Grand Jury chamber.)

(True Bill.)

(Matter concluded.)

(Time noted: 4:57 p.m.)

Page 19

R 787

C E R T I F I C A T I O N

I, Jeffrey Shapiro, hereby certify  
that the foregoing is a true and accurate transcript, to the  
best of my skill and ability, from my stenographic notes of  
this proceeding.

Jeffrey Shapiro  
JEFFREY SHAPIRO

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PHILANDER PHILIPPEAUX

Plaintiff,

v.

CIVIL CASE No. \_\_\_\_\_

JUDGE RONNIE ABRAMS;

MAGISTRATE SARAH NETBURN;

U.S. ATTORNEY GENERAL MERICK GARLAND.

Defendants.

REQUEST TO ISSUE SUMMONS PURSUANT TO FED.R.CIV.P. 4(b)

TO THE CLERK OF THE UNITED STATE DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK.  
Plaintiff filed his complaint in this action on (today's date). Therefore, you are requested to issue a  
summons directed to judge Ronnie Abrams, magistrate Sarah Netburn, United States Attorney General  
Merick Garland.

Respectfully submitted,



PHILANDER PHILIPPEAUX, Pro Se.

10/18/22

DATE

# 2793 4338 9780



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PHILANDER PHILIPPEAUX,

Plaintiff,

v.

CIVIL ACTION No. \_\_\_\_\_

JUDGE RONNIE ABRAMS.

Defendant.

SUMMONS IN A CIVIL ACTION

TO: JUDGE RONNIE ABRAMS

SOUTHERN DISTRICT OF NEW YORK

500 PEARL STREET

NEW YORK, NY 10007-1312

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it)- or 60 days if you are the United States or a United States agency, or an officer of the United States described in Fed.R.Civ.P. 12(a)(2) or (3). You must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 or the Federal Rules of Civil Procedure. The answer must be served on the plaintiff or plaintiff's attorney, whose name and address are:

PHILANDER PHILIPPEAUX  
FCC COLEMAN LOW, UNIT B-4  
P.O. BOX 1031  
COLEMAN, FL 33521

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

10/18/22

Date

\_\_\_\_\_  
Signature of Clerk or Deputy Clerk

# 2793 4338 9780

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PHILANDER PHILIPPEAUX,

Plaintiff,

v.

CIVIL ACTION No. \_\_\_\_\_

U.S. ATTORNEY GENERAL MERICK GARLAND.

Defendants

\_\_\_\_\_ /

SUMMONS IN A CIVIL ACTION

UNITED STATES ATTORNEY GENERAL MERICK GARLAND

UNITED STATES OF AMERICA

950 PENNSYLVANIA AVE. N.W.

WASHINGTON, D.C. 20530

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it)- or 60 days if you are the United States or a United States agency, or an officer of the United States described in Fed.R.Civ.P. 12(a)(2) or (3). You must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 or the Federal Rules of Civil Procedure. The answer must be served on the plaintiff or plaintiff's attorney. whose name and address are:

PHILANDER PHILIPPEAUX  
FCC COLEMAN LOW, UNIT B-4  
P.O. BOX 1031  
COLEMAN, FL 33521

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date

10/18/22

\_\_\_\_\_  
Signature of Clerk or Deputy Clerk

# 2793 4338 9780

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PHILANDER PHILIPPEAUX,

Plaintiff,

v.

CIVIL ACTION No. \_\_\_\_\_

MAGISTRATE SARAH NETBURN.

Defendant.

SUMMONS IN A CIVIL ACTION

TO: MAGISTRATE SARAH NETBURN  
SOUTHERN DISTRICT OF NEW YORK  
500 PEARL STREET  
NEW YORK, NY 10007-1312

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it)- or 60 days if you are the United States or a United States agency, or an officer of the United States described in Fed.R.Civ.P. 12(a)(2) or (3). You must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 or the Federal Rules of Civil Procedure. The answer must be served on the plaintiff or plaintiff's attorney, whose name and address are:

PHILANDER PHILIPPEAUX  
FCC COLEMAN LOW, UNIT B-4  
P.O. BOX 1031  
COLEMAN, FL 33521

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

10/18/22  
Date

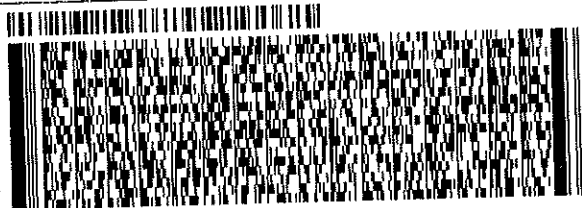
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Signature of Clerk or Deputy Clerk

# 2793 4338 9780

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CLERK'S OFFICE  
S.D.N.Y.

Part # 156297-435233P1M50BX1F-P8523

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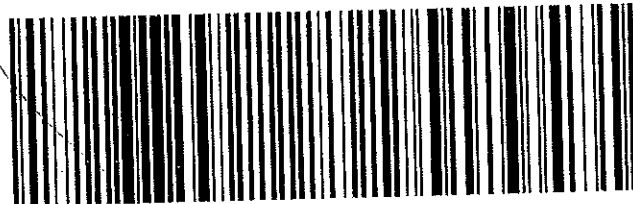


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Align bottom of peel-and-stick airbill or pouch here.